

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRODERICK HAWKINS,)
)
Petitioner,)
)
vs.) Case No. 4:04CV01416 ERW
)
)
JEFF NORMAN,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner Broderick Hawkins “Application for Certificate of Appealability Under the Martinez v. Arizona, Supreme Court 2012, WL 912950 (U.S.) Mo. S. Ct. Rule 29.15” [ECF No. 10]. In 2004, the Court dismissed Petitioner’s Petition for Habeas Corpus as a successive motion and time-barred. ECF No. 3. The Court denied a certificate of appealability. ECF No. 4. On February 14, 2005, the Court of Appeals for the Eighth Circuit also denied Petitioner’s application for a certificate of appealability. Petitioner’s current filing seeks review of the Court’s finding that his first petition was time-barred. It is successive to these previous filings. Under 28 U.S.C. § 2244(b)(1), “[a] claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” Therefore, this matter will be summarily dismissed.

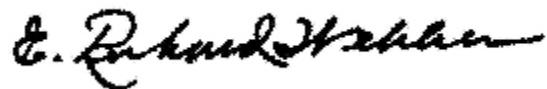
Accordingly,

IT IS HEREBY ORDERED that Application for Certificate of Appealability Under the Martinez v. Arizona, Supreme Court 2012, WL 912950 (U.S.) Mo. S. Ct. Rule 29.15” [ECF No. 10] is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability shall not issue.

IT IS FURTHER ORDERED that Petitioner's Motion for Leave to Appeal In Forma Pauperis [ECF No. 11] is **DENIED as MOOT**.

Dated this 31st day of August, 2012.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE